



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Victor Blackeagle

17 IBIA 5 (10/17/1988)

Denying reconsideration of:  
16 IBIA 100



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ESTATE OF VICTOR BLACKEAGLE : Order Denying Reconsideration  
:  
: Docket No. IBIA 87-50  
:  
: October 17, 1988

The Board of Indian Appeals issued a decision in the above estate on March 30, 1988. 16 IBIA 100. On October 12, 1988, the Board received a letter from Beatrice O. Miles, apparently seeking reconsideration of the Board's decision on behalf of appellant Victor James Blackeagle, a.k.a. Timothy William Davidson.

Ms. Miles did not represent appellant in the original proceedings before the Board. From the statements in her letter, it appears unlikely that she is entitled to represent appellant in this matter under the Department's rules governing practice in Departmental proceedings. 43 CFR 1.3. Assuming arguendo that she is so entitled, however, this petition must be denied.

Reconsideration by the Board is governed by 43 CFR 4.315, which provides in relevant part: "(a) Reconsideration of a decision by the Board will be granted only in extraordinary circumstances. \* \* \* The petition must be filed with the Board within 30 days from receipt of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted."

This petition is clearly untimely. Further, Ms. Miles fails to show any extraordinary circumstances warranting reconsideration of the Board's decision. Her arguments are essentially the same as those made by appellant in the original appeal. In effect, she seeks to have the Board disregard the Federal statutory law governing the inheritance of Indian trust property. No matter how much sympathy the Board may have for appellant, however, it has no authority to disregard the clear mandate of Federal law.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration is denied.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge